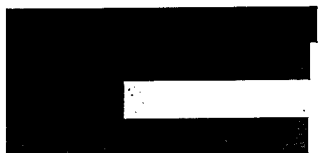


Rhode Island Executive Office of Health and Human Services
Appeals Office, 57 Howard Ave., LP Building, 2nd floor, Cranston, RI 02920
phone: 401.462.2132 fax: 401.462.0458

April 20, 2015

Docket # 14-535
Hearing Date: March 11, 2015



ADMINISTRATIVE HEARING DECISION

The Administrative Hearing that you requested has been decided against you. During the course of the proceeding, the following issue(s) and Department regulation(s) were the matters before the hearing:

BEHAVIORAL HEALTHCARE, DEVELOPMENTAL DISABILITIES AND HOSPITALS DIVISION of DEVELOPMENTAL DISABILITIES

Rules and Regulations Relating to the Definition of Developmentally Disabled Adult and the Determination of Eligibility as a Developmentally Disabled Adult

The facts of your case, the Department regulation(s), and the complete administrative decision made in this matter follow. Your rights to judicial review of this decision are found on the last page of this decision.

Copies of this decision have been sent to the following: You (the appellant), and Department representatives Karen Lowell and Daniel Ballirano, Esq.

Present at the hearing were: You, and Department representatives Karen Lowell and Dan Ballirano, Esq.

ISSUE: Is the appellant eligible to receive services from the Department of Behavioral Healthcare, Developmental Disabilities and Hospitals' (BHDDH's) Division of Developmental Disabilities (DDD)?

BHDDH Rules and Regulations:

Please see the attached APPENDIX for pertinent excerpts from the Rhode Island Department of Behavioral Healthcare, Developmental Disabilities and Hospitals rules and regulations.

APPEAL RIGHTS:

Please see attached NOTICE OF APPELLATE RIGHTS at the end of this decision.

DISCUSSION OF THE EVIDENCE:

The Department's Legal Counsel submitted the following evidence:

- An Application for Services completed by the appellant on April 16, 2013.
- A Functional Information Document completed by the appellant on April 16, 2013.
- An Eligibility Determination Review committee's report dated September 12, 2013.
- Documentation of the appellant's Social Security benefits provided to the Department by the appellant.
- A report from Gerald D. Fontaine, Ph.D. dated September 24, 2012, received by the Department in response to releases signed by the appellant.
- A report from William Unger, Ph.D. dated May 1, 2006, received by the Department in response to releases signed by the appellant.
- A report from Goodwill Industries of Rhode Island dated August 24, 2012.
- Records from Lifespan, Department of Psychiatry.

The Department representative, with the assistance of Legal Counsel, testified:

- She has worked at the Department of BHDDH for a little over two years and is currently employed as an Eligibility Supervisor.
- Upon receipt of the appellant's application, the Functional Information (FI) document, and the Release of Information Forms, all signed by the appellant on April 2013, the Department sent out the release forms with a cover letter to all the different agencies to request records.
- The FI document looks at the seven areas of basic life functioning that the Department looks for limitations in. In completing the FI document, an applicant tells the Department what their limitations are, what they need assistance with, and what types of assistance they need in completing daily living skills.
- To be eligible for DDD services, an applicant must have a developmental disability that manifested before age 22 and must meet the criteria in three out of seven areas of life activity.

- An eligibility committee consisting of four staff members met and reviewed all of the information in the appellant's file, including his medical records, his responses to the questions on the FI document, and the information gained from a personal interview with the appellant.
- The appellant applied for DDD services for the first time at the age of 60.
- Per the medical evidence from Dr. Fontaine, the appellant has a diagnosis of Asperger's Disorder.
- The eligibility committee concluded that the appellant does have a developmental disability that manifested before age 22.
- The eligibility committee then looked to see if the appellant met the criteria in each of the seven areas of functioning.
- The seven areas of life activity/functioning are: self-care; expressive/receptive language; learning; mobility; self-direction; independent living; economic self-sufficiency.
- The committee scores each area of life activity. Scores range between a 1 and a 4 but the Department generally scores individuals between a 2 and a 3. A 2 means the individual might need some help but not extensive help; they may need prompts and reminders but they are able to complete the task themselves. A 3 means they need extensive help. A 2 is ineligible and a 3 is eligible. A 4 means the individual needs total assistance and a 1 means that the individual can complete 100% of the task without any assistance.
- To meet the criteria for self-care, the appellant would need to have an extensive need in at least one of the three areas of self-care, which are eating, dressing, and hygiene/toileting.
- The appellant does not meet the criteria for self-care. He may need occasional prompting/reminders but he does not have an extensive need in any of the self-care areas. The appellant lives in his own apartment and on the FI document under self-care, he self-reported that he can do all personal care himself without any help and reported that he was looking for a job coach to help him get some work.
- The appellant does not meet the criteria for expressive/receptive language. He is able to understand and communicate using basic speech without any difficulty and he also self-reported that he did not need any help in this area.

- The appellant does not meet the criteria for learning. To meet the learning area, the appellant would have had to score below a 70 IQ, have a below 4th grade level in 2 out of the 3 areas of reading, writing or math, have significant sensory deficits or significant cognitive impairment. Dr. Fontaine had seen the appellant in September 2012 to evaluate his emotional and cognitive abilities. Dr. Fontaine reported that the appellant has an IQ of 89, which is in the below average range. Dr. Fontaine also reported that the appellant was not encountering any significant limitations in the academic world.
- Mobility is the ability to use fine motor control or coordination and the ability to use gross motor skills. The appellant self-reported on the FI document that he had no difficulties with activities in this area.
- To meet the criteria for self-direction, the appellant needs to meet 3 out of 5 subareas under that category. The committee concluded that the appellant met 2 out of the 5. Per Dr. Fontaine's report, the appellant does have difficulty with social skills required to begin or maintain personal relationships. The appellant also meets the last sub-area of self-direction which is the ability to make daily decision or problem solve, because he does have some difficulties with problem solving. The appellant does not meet the subcategory pertaining to money management skills. The appellant understands basic budgeting and how to pay his rent. During the personal interview, the appellant explained how he pays his rent, which was a process requiring the purchase/use of multiple money orders due to a maximum amount limit. The appellant also did not meet the subcategory of medical and safety emergency. He lives alone without any difficulty and understands what 911 is and how to use it. The appellant also did not meet the sub-area relative to his ability to assert rights when necessary. There is no evidence or documentation of the appellant being taken advantage of or exploited in any way. He is careful with his money and has not reported that anyone has taken his money or belongings. He also reported on the FI document that if a stranger was bothering him he would call the police.
- The next area, independent living, also has 5 subcategories and the appellant would need to meet 3 of them. The appellant did not meet any of the subcategories. The five subcategories are: housekeeping, practical use of money, exercise health and safety, use community resources, and maintain regular health monitoring. The appellant self-reported that he does not need any help with housekeeping, lives on his own, is able to prepare basic foods and is able to complete basic chores. Per his answers on the FI document, the appellant demonstrated that he understands the basic concept of money. He lives alone so is able to exercise health and safety. He has acquired driver's license in the past, currently takes the bus, and able to shop and make purchases. He is also able to

make and maintain doctor's appointments and gets to doctor's appointment on his own using public transportation.

- The only area of life activity that the appellant met was economic self-sufficiency. The appellant has had some difficulty in work settings and does have difficulty performing work required for employment, locating work on his own, and maintaining a job. While part of these difficulties could be due to his behavioral health issues, they also could be attributed to his Asperger's so the Agency gave him the benefit of the doubt and found that he met the criteria for the area of economic self-sufficiency.
- The appellant is not functionally impaired significantly because he met the criteria of impairment of only one out of seven life activities.
- The appellant does have other resources available to him and has worked with ORS (Office of Rehabilitative Services) in the past. He did previously have some difficulty with vocational resources at Goodwill Industries so he does not want to go back there, but the Department has told him that ORS has some other programs he could look into for some assistance with employment.
- His ORS case can be reopened if he requests it.

The appellant testified:

- He turned 60 on [REDACTED] 2012.
- He did have a driver's license before but he did not get it renewed. He may get it renewed when he gets a steady job.
- He pays his rent with two money orders because the rent is more than the maximum amount you can get a money order for.
- He now gets his money orders from a convenience store instead of the post office because they are too expensive at the Post Office.
- He agrees with what the Agency said. He only has difficulty with Economic self-sufficiency.
- He understands that he does not qualify for the DDD services because he only meets the criteria for one of the seven areas.

- He needs a job coach but does not think BHDDH deals with job coaches. He thinks that ORS would have to contact an agency to provide that.
- He was in the Ticket to Work program with the Department of Labor and Training (DLT) and he was told he could not be in the program with DLT and ORS at the same time, so his ORS counselor closed his ORS case.
- He now knows that he can have ORS reopen his case.

FINDINGS OF FACT:

- On April 16, 2013, the appellant completed a Department of Behavioral Healthcare, Developmental Disabilities and Hospitals' (BHDDH's) Division of Developmental Disabilities (DDD) Application for Services.
- The Department of BHDDH sent the appellant a Notice dated October 3, 2013 informing him that he did not meet the criteria for receipt of DDD services.
- The appellant appealed the Department's October 3, 2013 decision and an Informal Administrative Hearing was convened on December 5, 2013.
- An Informal Administrative Hearing Decision was issued on February 5, 2014 denying the appellant's appeal/eligibility for DDD services.
- The appellant submitted a letter dated February 25, 2014, to appeal the Informal Administrative Hearing Decision.
- An Administrative Hearing scheduled for August 13, 2014 was rescheduled per the appellant's request.
- An Administrative Hearing scheduled for September 17, 2014 was rescheduled per the appellant's request.
- An Administrative Hearing scheduled for January 21, 2015 was rescheduled per the appellant's request.
- An Administrative Hearing was convened on March 11, 2015.
- The appellant was 60 years old at the time of application.

- The appellant has a developmental disability attributable to a diagnosis of Asperger's Disorder.
- The appellant's developmental disability manifested itself before age 22 and is likely to continue indefinitely
- The appellant's developmental disability results in substantial functional limitations in the area of economic self-sufficiency.

CONCLUSION:

The issue to be decided is whether the appellant is eligible to receive services from the Department of Behavioral Healthcare, Developmental Disabilities and Hospitals' (BHDDH's) Division of Developmental Disabilities (DDD).

A review of the Department's rules and regulations finds that to be eligible for services from the Department's Division of Developmental Disabilities, an applicant must meet the statutory definition of a developmentally disabled adult. The Department's regulations define a developmentally disabled adult, in accordance with the statutory definition, as an individual who is 18 years old or older and not under the jurisdiction of the Department of Children, Youth and Families, who is either a mentally retarded developmental disabled adult or is an individual with a severe chronic disability, which is attributable to a mental or physical impairment or combination of impairments that manifested before age 22 and is likely to continue indefinitely, and which results in substantial functional limitations in at least three out of seven areas of major life activity. The seven areas of major life activity are: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and economic self-sufficiency.

The Department argues that while the appellant has a developmental disability attributable to a diagnosis of Asperger's Disorder, which manifested itself before age 22 and is likely to continue indefinitely, his developmental disability does not result in substantial functional limitations in at least three out of the seven areas of major life activity.

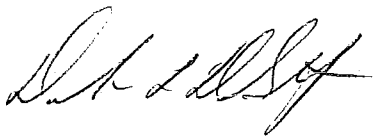
The Department testified that an eligibility committee, consisting of four staff members, met and reviewed all of the information in the appellant's file, including his medical records, his responses to the questions on the Functional Information (FI) document, and the information gained from a personal interview with the appellant, and concluded that the appellant's developmental disability results in substantial functional limitations in only one area of life activity, specifically economic self-sufficiency. The Department further

testified as to the criteria used by the committee to determine the degree of functional limitation the appellant had in each of the seven categories of life activity and explained their findings in relation to the information provided with the appellant's application.

Upon completion of the Department's presentation, the appellant testified that he agrees with the Department's testimony/presentation, he has limitations only in the area of economic self-sufficiency, he only needs employment services, and he understands that he does not qualify for DDD services. He further testified that ORS (Office of Rehabilitation) had previously closed his case because he was receiving employment services through the Department of Labor and Training (DLT) at the same time, but acknowledges that he now understands that he can ask ORS to reopen his case.

In conclusion, the record establishes that the appellant has a developmental disability attributable to Asperger's Disorder which manifested itself before age 22, is likely to continue indefinitely, and results in substantial functional limitation only in the area of economic self-sufficiency. As the appellant's developmental disability does not result in substantial functional limitations in at least three out of the seven areas of major life activity, he is not by definition a developmentally disabled adult and is thereby ineligible for DDD services.

After a careful review of the Department's rules and regulations and the evidence and testimony given, this Appeals Officer finds that the appellant is ineligible for services from the Department of Behavioral Healthcare, Developmental Disabilities and Hospitals' (BHDDH's) Division of Developmental Disabilities (DDD). The appellant's request for relief is denied.



Debra L. DeStefano
Appeals Officer

APPENDIX

RULES AND REGULATIONS RELATING TO THE DEFINITION OF DEVELOPMENTALLY DISABLED ADULT AND THE DETERMINATION OF ELIGIBILITY AS A DEVELOPMENTALLY DISABLED ADULT

PREAMBLE

The Division of Developmental Disabilities within the Department of Mental Health, Retardation and Hospitals has promulgated these rules and regulations in order to provide a fair and accurate implementation of the definition of developmentally disabled adult in accordance with the statutory definition.

SECTION 1 SCOPE AND PURPOSE

It is the intent of these Rules and Regulations to establish standards and procedures for the determination of eligibility as a developmentally disabled adult pursuant to R.I. Gen. Laws 40.1-21-1 et seq. and R.I. Gen. Laws 40.1-26-1 et seq. Nothing in these rules and regulations shall be construed to relieve any agency, state or local from its obligations to provide services to any person regardless of whether the individual is eligible for services from the Division.

SECTION 2 DEFINITIONS

2.1 "Advocate" means a legal guardian or an individual acting on behalf of an applicant in a manner clearly consistent with the interests of the person and may include a friend or professional advocate. (R.I. Gen. Laws 40.1-26-2 (1))

2.2 "Applicant" means the person who is applying for services from the Division of Developmental Disabilities.

2.3 "Assessment tool" means a standardized instrument used to evaluate an individual's level of functioning.

2.4 "Division" means the Division of Developmental Disabilities within the Department of Mental Health, Retardation and Hospitals.

2.5 "Eligibility Committee" means the Division's committee composed of a multi-disciplinary team which may include social workers, psychologists, nurses and developmental disability and mental retardation professionals who shall meet to determine whether or not applicants who have applied for

services from the Division are eligible in accordance with the statutory criteria.

2.6 "Relative" means a member of the participant's or applicant's family who has been actively involved in the participant's or applicant's life, has an ongoing relationship with the participant or applicant and is supportive in a manner clearly consistent with the best interests of the participant or applicant. (R.I. Gen. Laws 40.1-26-2(11))

2.7 "Serious mental illness" means an illness which is biologically based, severe in degree and persistent in duration, which causes a substantially diminished level of functioning in the primary aspects of daily living and an inability to cope with the ordinary demands of life, which may lead to an inability to maintain stable adjustment and independent functioning without long-term treatment and support and which may be of lifetime duration. Serious mental illness includes schizophrenia, bi-polar disorders as well as a spectrum of psychotic and other severely disabling psychiatric diagnostic categories, but does not include infirmities of aging or a primary diagnosis of mental retardation, alcohol or drug abuse or anti-social behavior. (R.I. Gen. Laws 40.1-5.4-7(10))

2.8 "Developmentally Disabled Adult" means a person, eighteen years old or older and not under the jurisdiction of the department for children, youth and families who is either a mentally retarded developmentally disabled adult or is a person with a severe chronic disability which: (a) is attributable to a mental or physical impairment or combination of mental and physical impairments; (b) is manifested before the person attains age 22; (c) is likely to continue indefinitely; (d) results in substantial functional limitations in three or more of the following areas of major life activity: (1) self care, (2) receptive and expressive language, (3) learning (4) mobility, (5) self direction, (6) capacity for independent living, (7) economic self sufficiency (e) reflects the person's need for a combination and sequence of special, interdisciplinary or generic care, treatment, or other services which are individually planned and coordinated. For purposes of funding, it is understood that students enrolled in school will continue to receive education from their local education authority in accordance with R.I. Gen. Laws 16-24-1 et seq. (R.I. Gen. Laws 40.1-21-4.3(5))

2.9 "Mentally retarded developmentally disabled adult" means a person 18 years or older and not under the jurisdiction of the department of children,

youth and families, with significant subaverage, general intellectual functioning two standard deviations below the norm, existing concurrently with deficits in adaptive behavior and manifested during the developmental period. For purposes of funding, it is understood that students enrolled in school will continue to receive education from their local education authority in accordance with R.I. Gen. Laws 16-24-1 et seq. (R.I. Gen. Laws 40.1-21-4.3(8))

2.10 "Attributable to a mental or physical impairment or combination of mental or physical impairments," means that the individual has an impairment of the central and/or peripheral nervous system (brain and spinal cord), or a neurological, intellectual, or cognitive condition, and/or paralytic or other motor disorders but does not include impairments as the result of social problems such as juvenile delinquency or substance abuse. The professional(s) making the determination of the presumed disability will be those normally qualified to make such judgments using accepted assessment procedures in the area of developmental disabilities.

2.11 "Manifested before the age of twenty-two" means that the person's disability became apparent before the person attained age 22 and resulted in substantial functional limitations prior to the 22nd birthday.

2.12 "Likely to continue indefinitely" means that the body system(s) affected are ones that are not likely to regain capacity even with medical or rehabilitative treatment; the mental/physical impairment is known to be chronic; it is the judgment of a qualified professional that the individual is likely to remain impaired for the foreseeable future.

2.13 "Substantial functional limitation" means the applicant performs substantially below the level expected for an adult with respect to the skills necessary in an area of major life activity.

2.14 "Self care," means the daily activities that enable a person to meet basic life needs for food, hygiene and appearance.

2.15 "Receptive and expressive language" means communication involving both verbal and non-verbal behavior enabling the individual both to understand others and to express ideas and information to others.

2.16 "Learning" means general cognitive competence and the ability to acquire new behaviors, perceptions and information and to apply experiences in new situations.

2.17. "Mobility" means motor development and the ability to use fine and gross motor skills; the ability to move from one place to another.

2.18 "Self-direction" means the management and control over one's own social and personal life; the ability to make decisions affecting and protecting one's own interests.

2.19 "Capacity for independent living" means the ability to manage one's own health care and personal safety, the ability to use community resources, to perform basic housekeeping skills (cleaning, maintenance, cooking and laundry), and money management skills.

2.20 "Economic self-sufficiency" means the ability to maintain adequate employment and compensation.

2.21 "Substantial functional limitation in economic self-sufficiency" means that an individual requires on-going supervision or frequent assistance and extensive training to perform the tasks required for a job, or to be able to work and maintain his/her employment as a result of his/her disability and not as a result of economic conditions or life style choice.

2.22 "Substantial functional limitation in expressive and receptive language" means that an individual needs another person or alternative method to express or understand needs and wants or to effectively communicate with others or the individual is unable to understand/comprehend language or other forms of communication.

2.23 "Substantial functional limitation in independent living" means that an individual needs ongoing assistance or frequent supervision to manage health care needs, to use community resources, to manage money, to perform routine housekeeping, or to maintain personal safety.

2.24 "Substantial functional limitation in learning" means that an individual has tested two standard deviations below the mean on a comprehensive individual intelligence test or has had a comparable performance in two or more specific intellectual areas, such as memory, computation, reading/writing and perception or that the person demonstrates the need for ongoing assistance or frequent supervision to use information or skills in different or new situations.

2.25 "Substantial functional limitation in mobility" means that an individual needs the ongoing physical assistance of another person to move from

place to place or needs the use of an extraordinary assistive device to move from place to place.

2.26 "Substantial functional limitation in self-care" means that an individual needs on-going physical assistance, extensive training and/or frequent supervision in taking care of personal needs such as eating, personal hygiene and dressing.

2.27 "Substantial functional limitation in self-direction" means that an individual requires ongoing assistance or frequent supervision in making decisions about social activities, personal finances, planning and setting goals, protecting one's interests, establishing and asserting one's rights and maintaining social relationships and resolving problems in daily living.

SECTION 3 POLICY

3.1 The concept of developmental disability is that individuals with different conditions/diagnoses share certain characteristics that give rise to shared service needs.

3.2 The definition of developmental disability is focused on individuals with the most severe functional limitations.

3.32 The determination that an applicant does or does not meet the definition of developmentally disabled adult is a professional judgement based on an evaluation and review of all relevant records and documents by an interdisciplinary team of developmental disability professionals and cannot be decided on the basis of a specific categorical disability or solely through the use of assessment tools or based upon the opinion of only one type of professional.

3.4 The Division of Integrated Mental Health is established to plan and provide a comprehensive range of services to a priority population, adults with serious mental illness, (R.I. Gen. Laws 40.1-5.4-1 et seq.). Individuals with serious mental illness shall receive services through the Division of Integrated Mental Health and will only be determined eligible for services from the Division of Developmental Disabilities, if in addition to their serious mental illness, they also meet the statutory definition of developmentally disabled adult.

3.5 Any acceptance of Division funded services is voluntary, except in accordance with R.I. Gen. Laws 40.1-22-1 et seq.

SECTION 4 ELIGIBILITY FOR SERVICES

4.1. Any resident of Rhode Island who meets the statutory definition of developmentally disabled adult is eligible to receive services from the Division.

4.2. Application for Services may be made by:

- (a) The applicant;
- (b) A legal guardian or relative of an applicant;
- (c) A school district where the applicant is receiving educational services;
- (d) Staff from the Department of Children, Youth and Their Families when the applicant is in the custody of that agency;
- (e) Provider agencies, professionals, or advocates, with the permission of the applicant.

4.3. An application for services shall be in writing on forms provided to the applicant by the Division. When an application is provided, the Division shall also provide Releases of Information to be signed by the applicant or the applicant's legal guardian or relative in order to permit the Division to have access to educational, medical, psychological, vocational and other records that will assist the Division in the eligibility determination. If the applicant or other person applying for services on behalf of an applicant requires assistance in completing the application, Division staff shall assist in the completion of the application. A copy of the application is attached hereto for reference. If the application is not made directly by the applicant or the applicant's relative or legal guardian, then the agency, advocate or professional making the application is responsible for providing the Division with all records and evaluations.

4.3.1 An applicant's refusal to sign the necessary releases of information and/or to assist the Division in obtaining the necessary records shall result in the Division determining the applicant to be ineligible for services from the Division.

4.4. Whenever possible, an application should be made at least three months prior to the applicant's need for services in order to ensure a timely decision regarding eligibility.

4.5. For those individuals who make an application after the age of twenty-two (22), records, documents or other information must be available to

determine if the disability was present in its substantial form prior to the applicant's twenty-second birthday.

4.6. The Division will identify the name, address and phone number of the staff responsible for receiving and processing applications and shall establish a system for documenting the receipt of applications. Within ten (10) business days of the receipt of an application, the Division shall notify the applicant in writing that the application has been received and shall begin the process of making the eligibility determination.

4.7. In cases where the information regarding eligibility is inconclusive, the Division may request that the applicant undergo further intellectual, functional and/or behavioral assessments. If the assessments cannot be paid for through the applicant's insurance, the Division is responsible for the cost of the assessments. In the event that an applicant is unwilling to undergo further evaluations, the Division shall determine the applicant to be ineligible for services.

4.8 The Division will make a judgment regarding the necessity of a personal interview with the applicant but prior to any determination of ineligibility, except when ineligibility is determined in accordance with 4.3.1, Division staff will personally interview the applicant.

4.9. The Eligibility Committee shall review the information and records received and shall within thirty (30) days of the receipt of all requested records and/or assessments (completed application), make a decision regarding whether or not the applicant meets the criteria as a developmentally disabled adult and is therefore, eligible for services from the Division.

4.10 If the necessary documents have not been obtained within forty-five (45) days from the date that the application was received, the applicant shall be notified by the Division that the documents have not been received by the Division and therefore an eligibility determination cannot be made until the necessary records are received.

4.10.1 If it is determined that the records sought are not available, an alternate assessment pursuant to 4.7 may be required by the Division or the Division may make the eligibility determination based upon the available information and records.

4.11 If the Eligibility Committee determines that an applicant is ineligible for services from the Division, notice of the determination shall be sent to the applicant, the applicant's legal guardian or relative and, when appropriate,

the agency, advocate or professional who referred the individual. The notice shall include a statement as to the reasons why the Eligibility Committee determined that the applicant was not eligible for services and a statement regarding the applicant's appeal rights.

4.12 If the Eligibility Committee determines that an applicant is eligible for services from the Division, notice of the determination shall be sent to the applicant, the applicant's legal guardian or relative and, when appropriate, the agency, advocate or professional who referred the applicant. The notice shall state the name, address, and phone number of the Division staff member who should be contacted to begin the process of developing the individualized plan for the applicant.

NOTICE OF APPELLATE RIGHTS

This Final Order constitutes a final order of the Department of Human Services pursuant to RI General Laws §42-35-12. Pursuant to RI General Laws §42-35-15, a final order may be appealed to the Superior Court sitting in and for the County of Providence within thirty (30) days of the mailing date of this decision. Such appeal, if taken, must be completed by filing a petition for review in Superior Court. The filing of the complaint does not itself stay enforcement of this order. The agency may grant, or the reviewing court may order, a stay upon the appropriate terms.